

Parole Board 101

House Corrections & Institutions Committee

April 6, 2023

General Information

- Parole is established in Title 28, Chapter 7 of the Vermont Statutes.
- Parole Board Members & Office Staff
 - The Parole Board is comprised of 7 board members and 3 full time office staff.
 - Hearings are held with a quorum of 3 board members. All board members, including alternates, are distributed between the hearings.

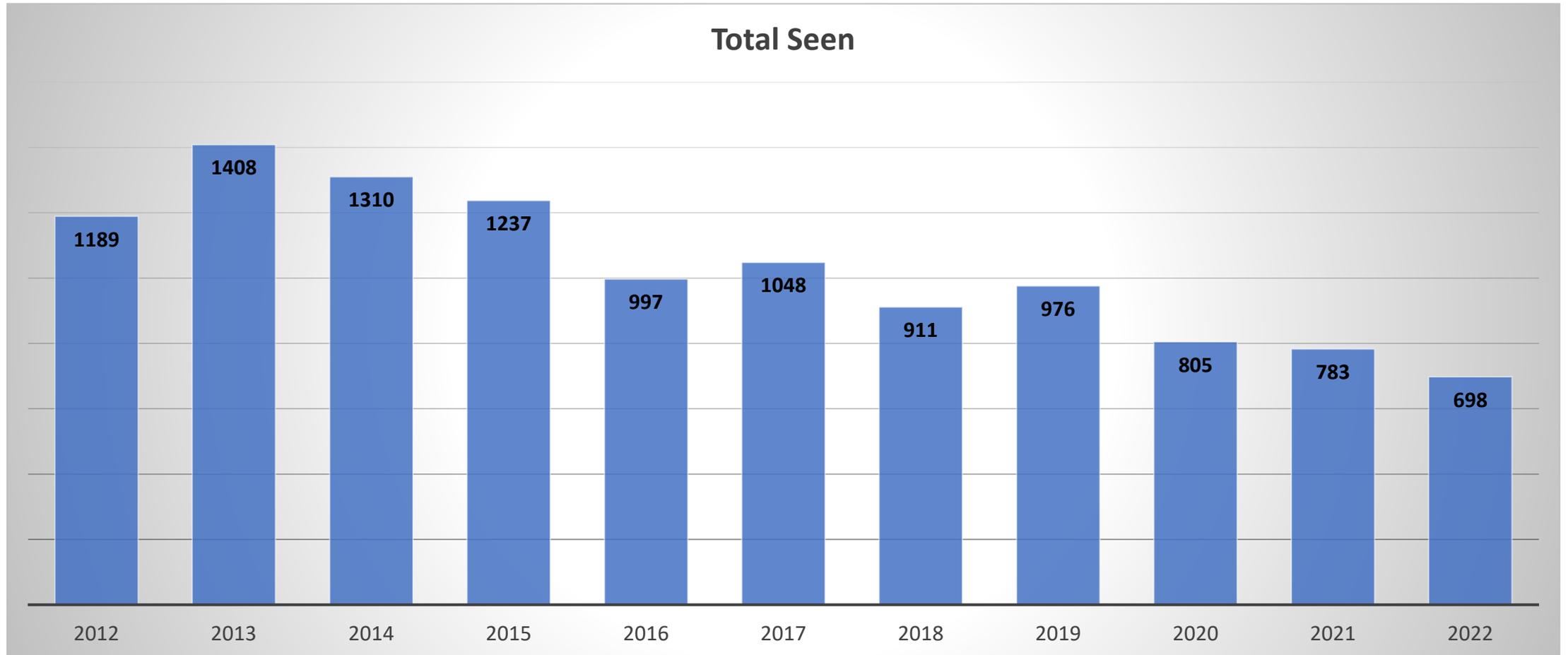
Board Members	Office Staff
Dean George, Chair	Mary Jane Ainsworth, Director
Patricia Boucher, Vice Chair	Colby Leno, Executive Office Manager
Richard Grassi	Carla Vecchione, Administrative Assistant
Tom Giffin	
Wayne Dengler	
Luci Stephens, Alternate	
Linn Caroleo, Alternate	

Hearings

The Parole Board conducts the following types of hearings and reviews virtually using Microsoft Teams at 19 DOC sites each month:

- Parole Hearings
- Presumptive Parole Administrative Reviews
- Annual Record Reviews
- Parole Violation
- Reprimand
- Early Termination of Parole
- Condition Modification
- Parole Rescission
- SCS Hearings (Violations, Minimum, Early Termination)
- Probable Cause/Bail Hearings

Total Number of Individuals Seen 2012-2022

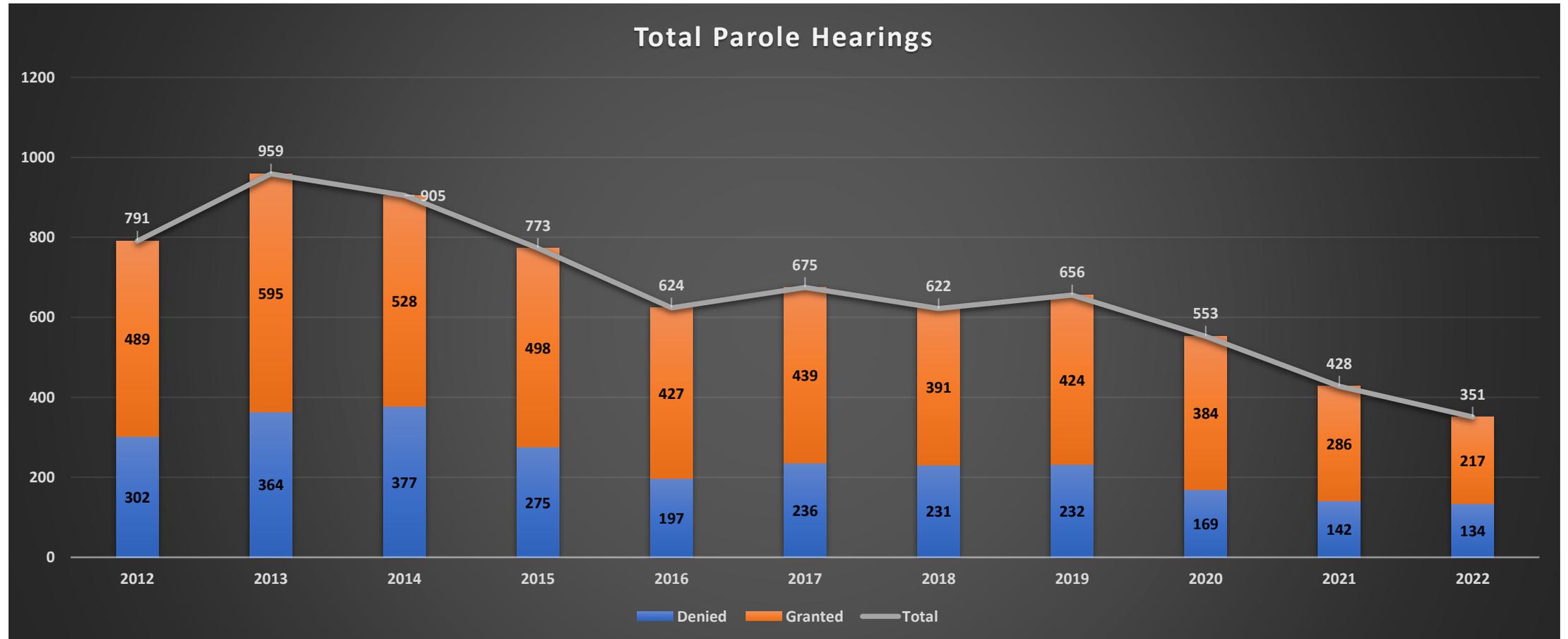


Parole Process

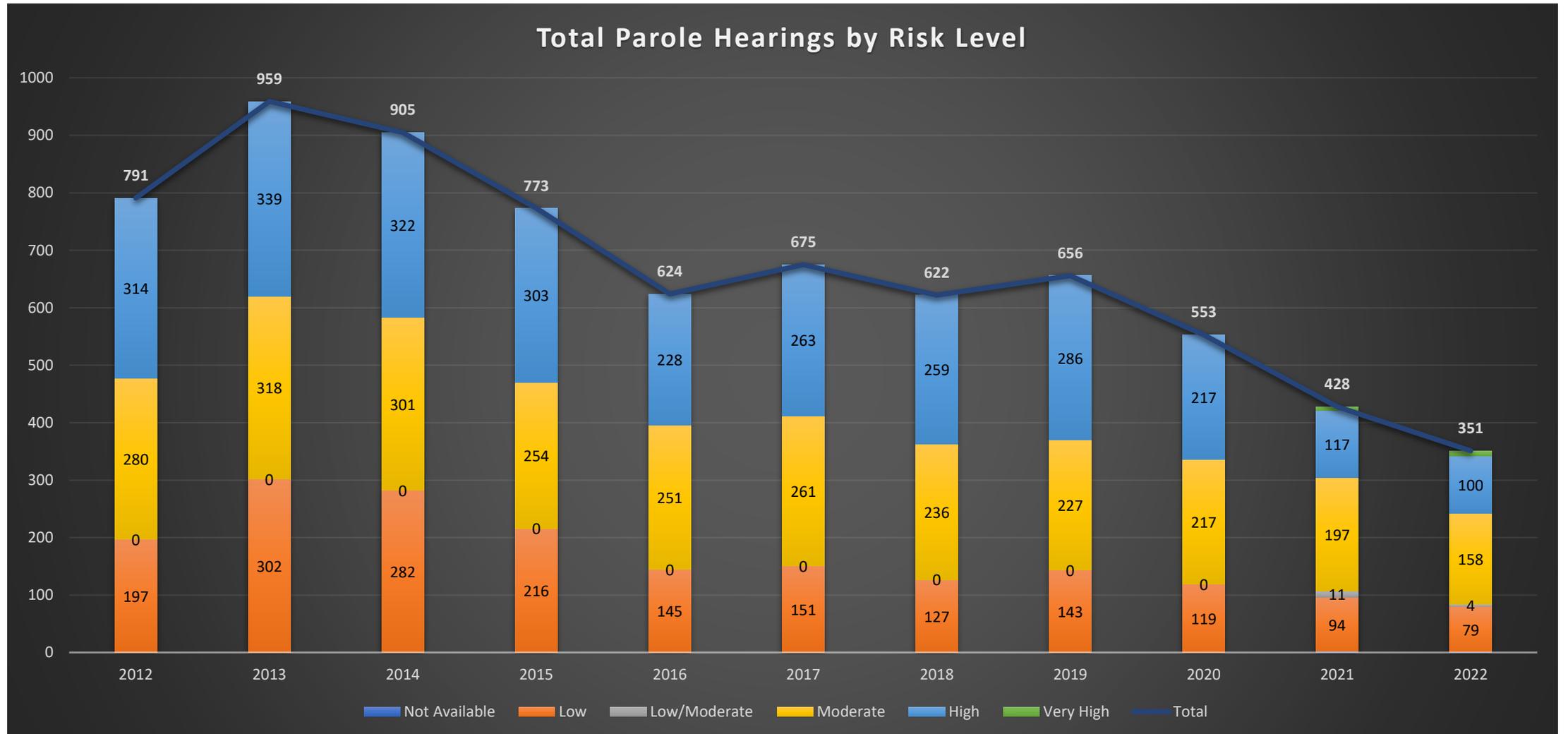
An inmate may be granted parole through one of four processes:

1. Presumptive Parole
 - An individual must meet presumptive parole criteria outlined in 28 V.S.A. §501a.
 - The Board conducts an administrative review of all inmates meeting the criteria that are referred to the Board by DOC.
 - The Board may deny presumptive release and set an initial parole interview hearing if it determines, through its administrative review, that a victim or victims should have the opportunity to participate in a parole hearing.
2. Initial Parole Interview
 - Inmates are eligible for an initial parole interview as follows:
 - Not eligible for presumptive parole.
 - Denied presumptive parole and a hearing is set (see third bullet in 1 above).
 - Inmate has served the minimum term of their sentence.
 - Within 12 months after commitment to a correctional facility for inmates receiving a sentence with no minimum term or a zero minimum.
 - Offenders' who are designated by the Department of Corrections as high-risk sex offenders while serving his or her sentence shall not be eligible for parole until the expiration of 70 percent of his or her maximum sentence. (28 V.S.A. § 204b).
 - An offender may waive their initial parole interview. 135 offenders waived their initial parole interview in 2022.
3. Subsequent Consideration for Parole
 - Interview requested by DOC, often with a positive recommendation.
 - Interview requested by the offender at the time of their annual review.
 - The Board requests an interview based on the information reviewed during an annual review.
4. Medical Parole
 - Medical parole can occur prior to the expiration of the minimum sentence length.
 - An offender must have a serious medical condition that would render the offender unlikely to be physically capable of presenting a danger to the community.

Parole Hearings 2012-2022

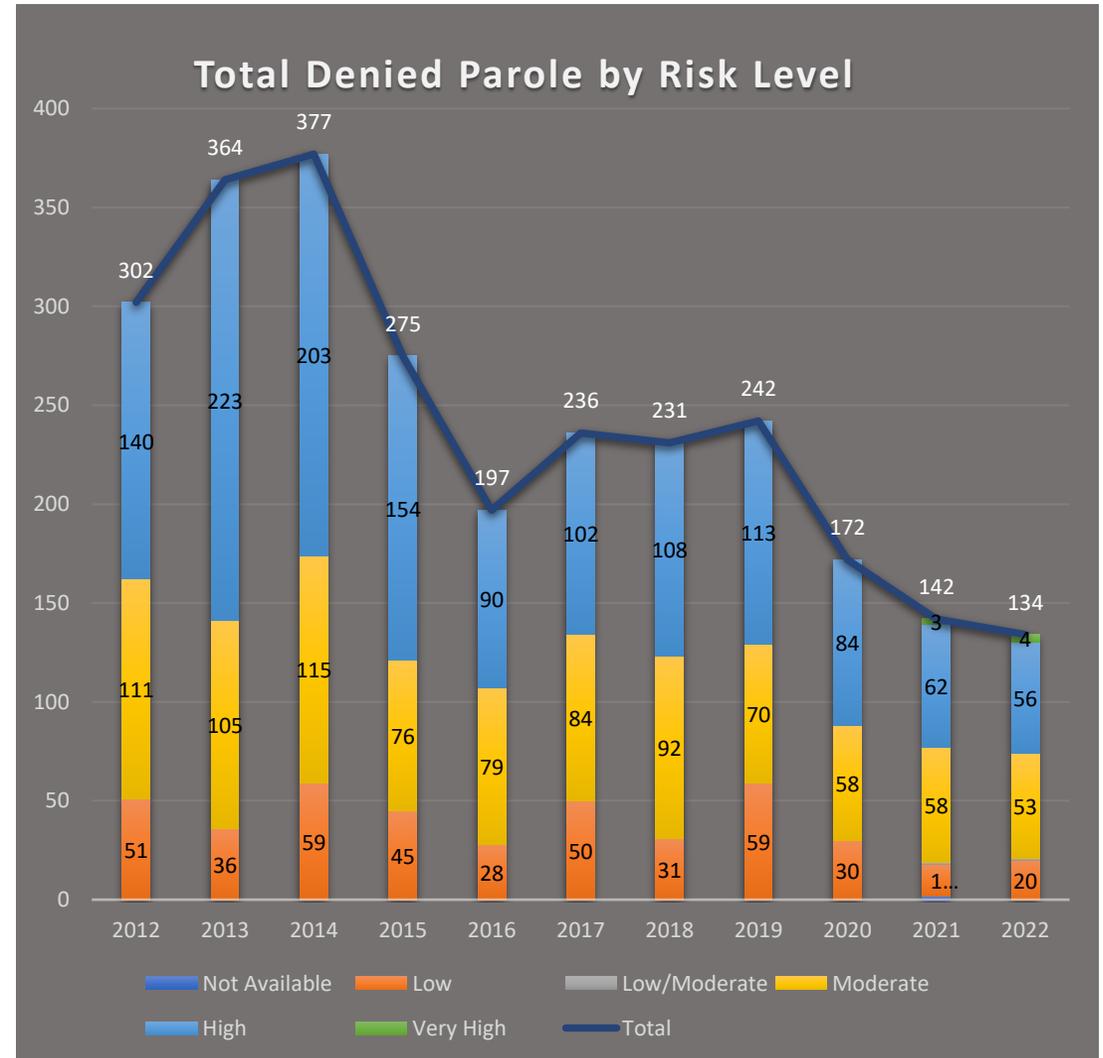
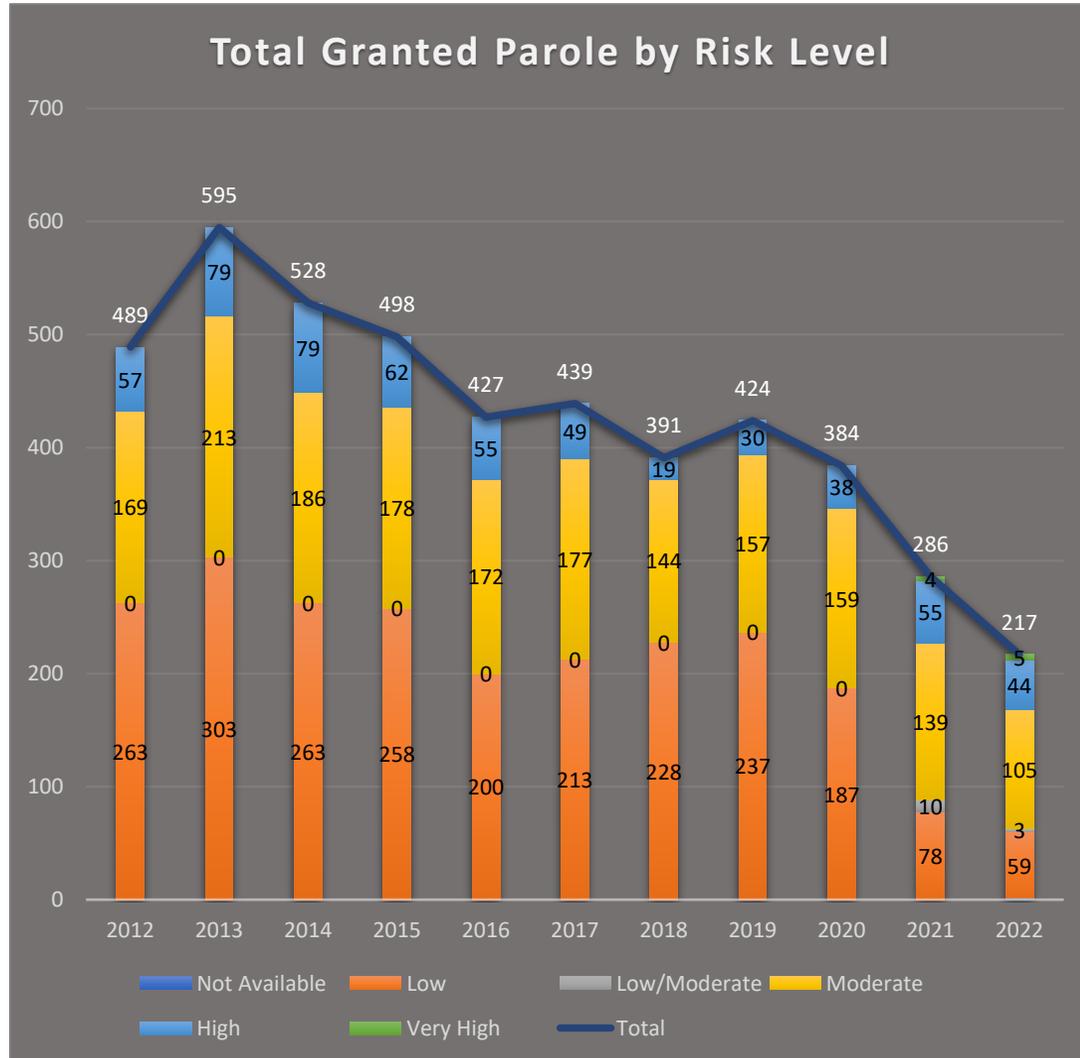


Total Parole Hearing by Risk Level



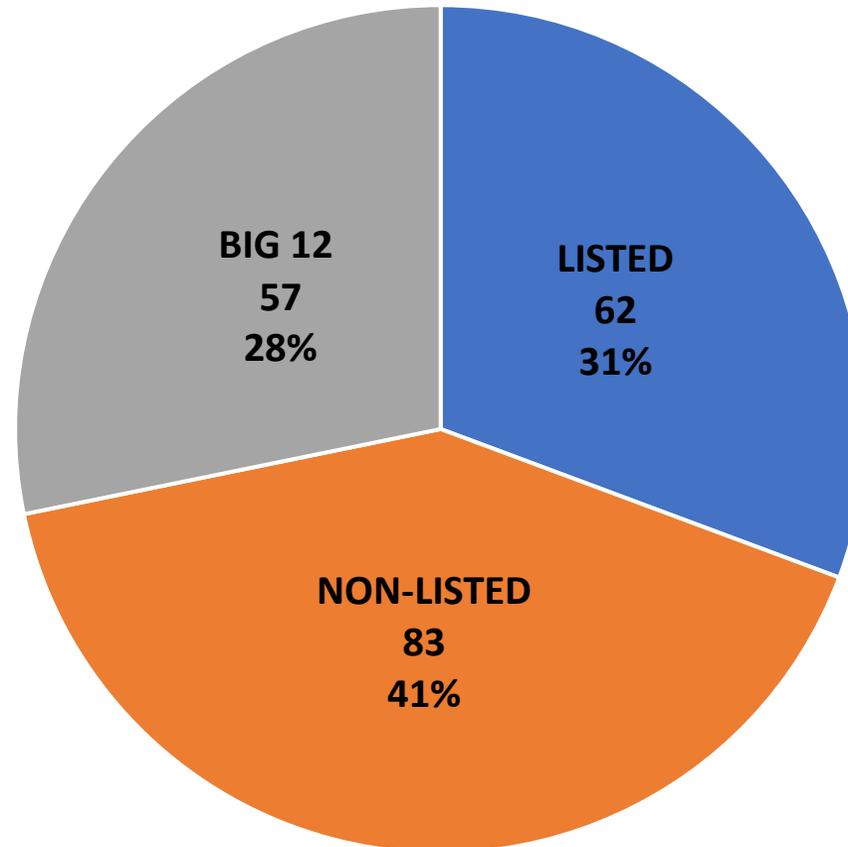
Pre-2020 – Risk was determined by the Parole Boards Risk Assessment. 2020 on - Risk Level is determined by the ORAS score of the individual. DOC staff complete the ORAS tool and include the information in the parole summary.

Total Parole Hearing by Risk Level - Continued



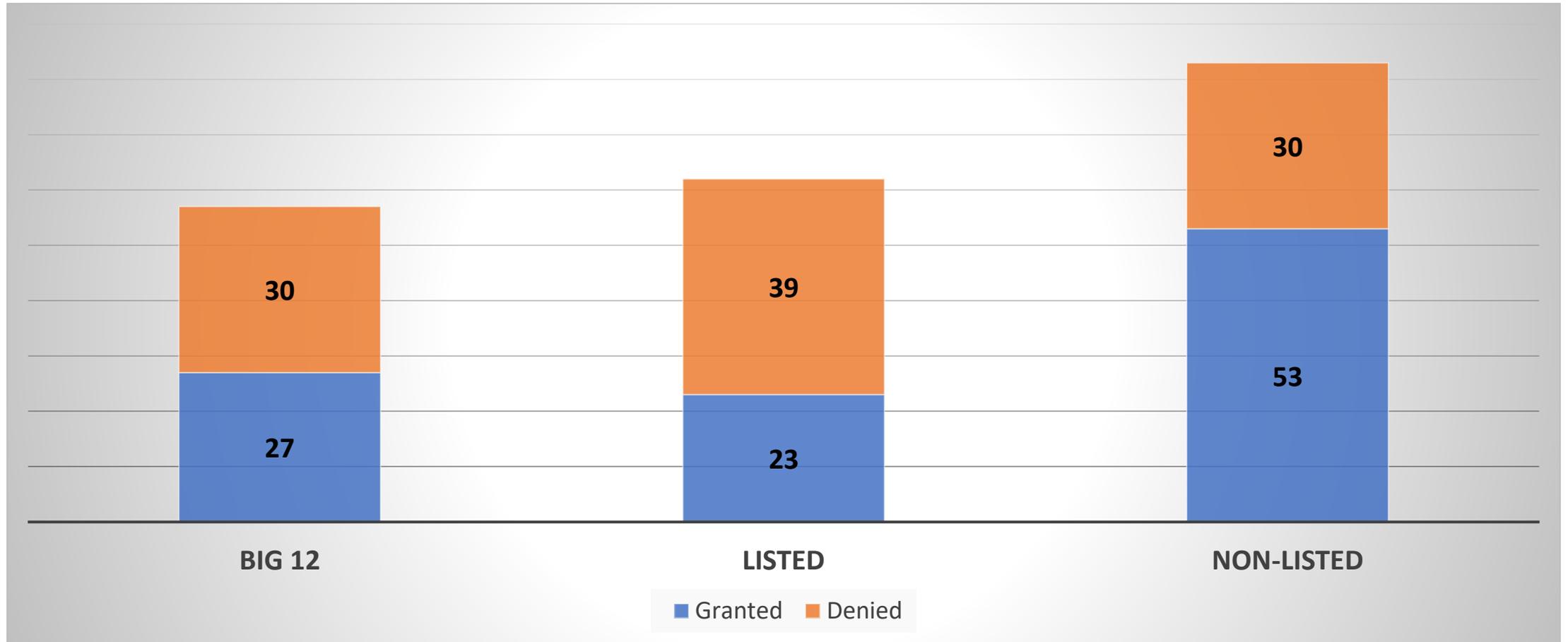
Pre-2020 – Risk was determined by the Parole Boards Risk Assessment. 2020-on - Risk Level is determined by the ORAS score of the individual. DOC staff complete the ORAS tool and include the information in the parole summary.

Number of Initial Eligibility Hearings By Crime Type - 2022



Data does not include those who waived their hearing, presumptive parole administrative reviews, those denied presumptive parole and referred for a hearing, those subsequently referred for a hearing by DOC, or when an individual requested an In Person Record Review.

Initial Eligibility Hearing Decision By Crime Type - 2022



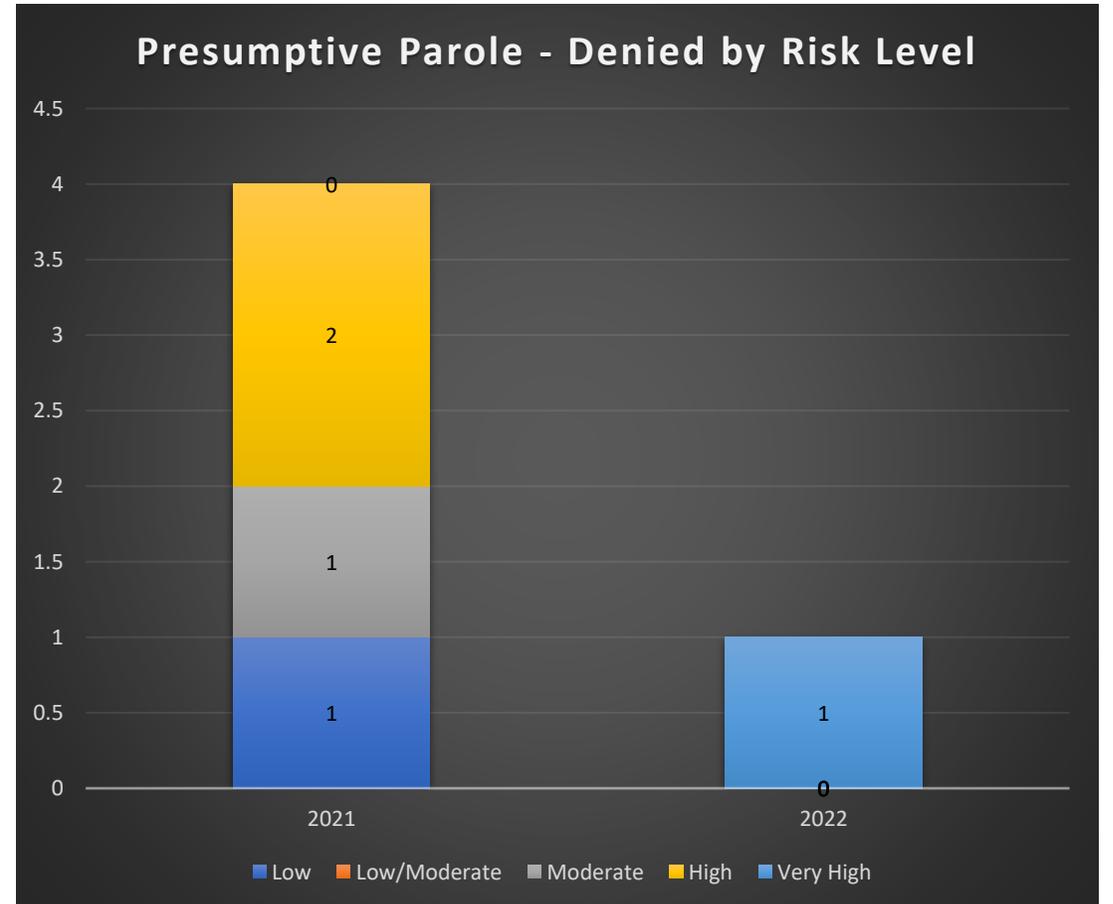
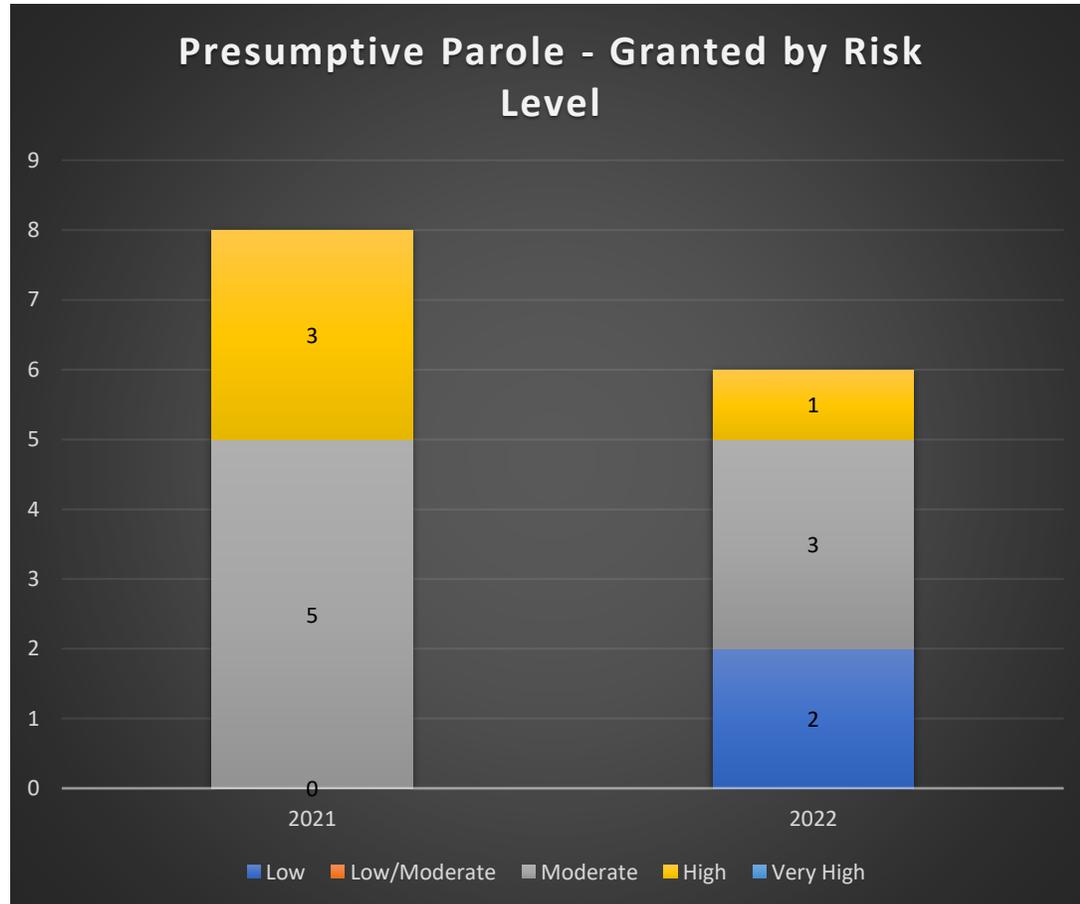
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Presumptive Parole

- Presumptive parole was created in the Justice Reinvestment II legislation (Act 148). It went into effect on January 1, 2021
- For the first two years, presumptive parole applied to individuals who were not serving a sentence for a crime specified in 13 V.S.A § 5301 (listed offenses).
- Beginning January 1, 2023, the presumptive parole statute changed to include individuals sentenced to a crime specified in 13 V.S.A § 5301 (listed crimes) but is not serving a sentence for committing a crime specified in 33 V.S.A § 5204(a) (“The Big 12”)

Total Presumptive Parole Cases Submitted		
	2021	2022
Low	1	2
Low/Moderate	0	0
Moderate	6	3
High	5	1
Very High	0	1
Totals	12	7

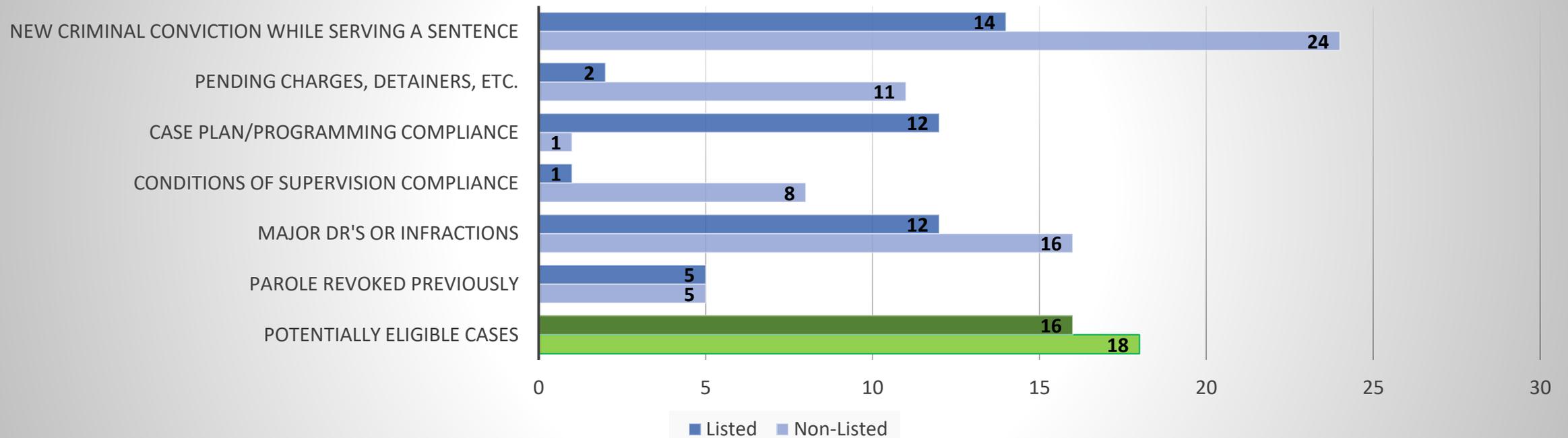
Total Presumptive Parole Hearings by Risk Level



Presumptive Parole Basis for Ineligibility

- Director Ainsworth reviewed all parole summaries that were submitted for an initial eligibility hearing. This does not include those who waived their initial eligibility hearing.
- Out of the 83 non-listed cases that were not referred for a presumptive parole administrative review, 18 cases could have potentially been eligible.
- Out of the 62 listed cases that were not referred for a presumptive parole administrative review, 16 cases could have potentially been eligible.
- As DOC determines presumptive parole eligibility, the Parole Board cannot determine if there were factors not clear in the parole summary that would make the individual ineligible for presumptive parole.

Basis of Ineligibility



Annual Reviews

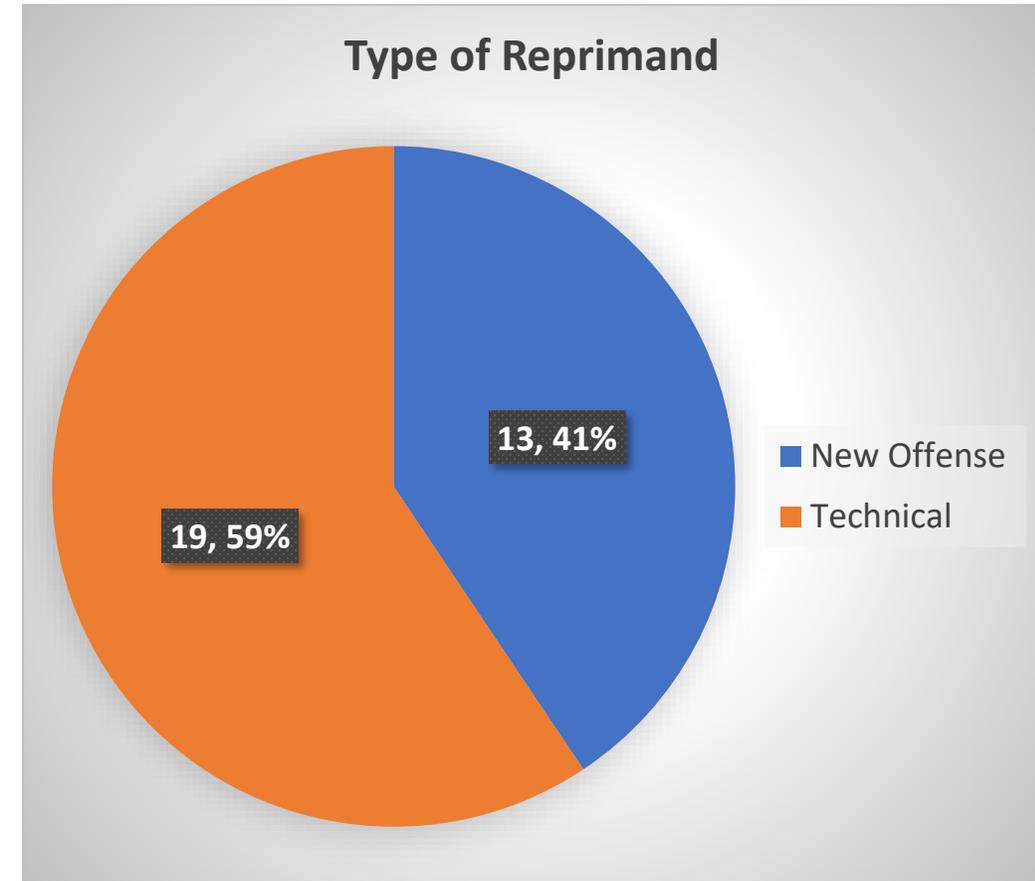
- For offenders who are denied parole at their initial parole interview, the Board shall review the offender's Parole Board file annually, which shall include an updated parole summary from DOC, for possible parole at the anniversary of their eligibility date. These reviews are done administratively without an interview of the offender. An interview may be scheduled under the following circumstances:
 - The offender requests in writing an in person review; or
 - After review of the offender's Parole Board file and updated parole summary, the Board may request an interview of the offender based on the information reviewed. The in person review request, shall follow a majority vote of the board members present at the annual review, supporting the request.
- The Parole Board conducted the following in 2022:
 - 274 annual reviews
 - 31 Offender Requested In Person Reviews
 - 1 Board Requested In Person Reviews

Responding to Violating Behaviors

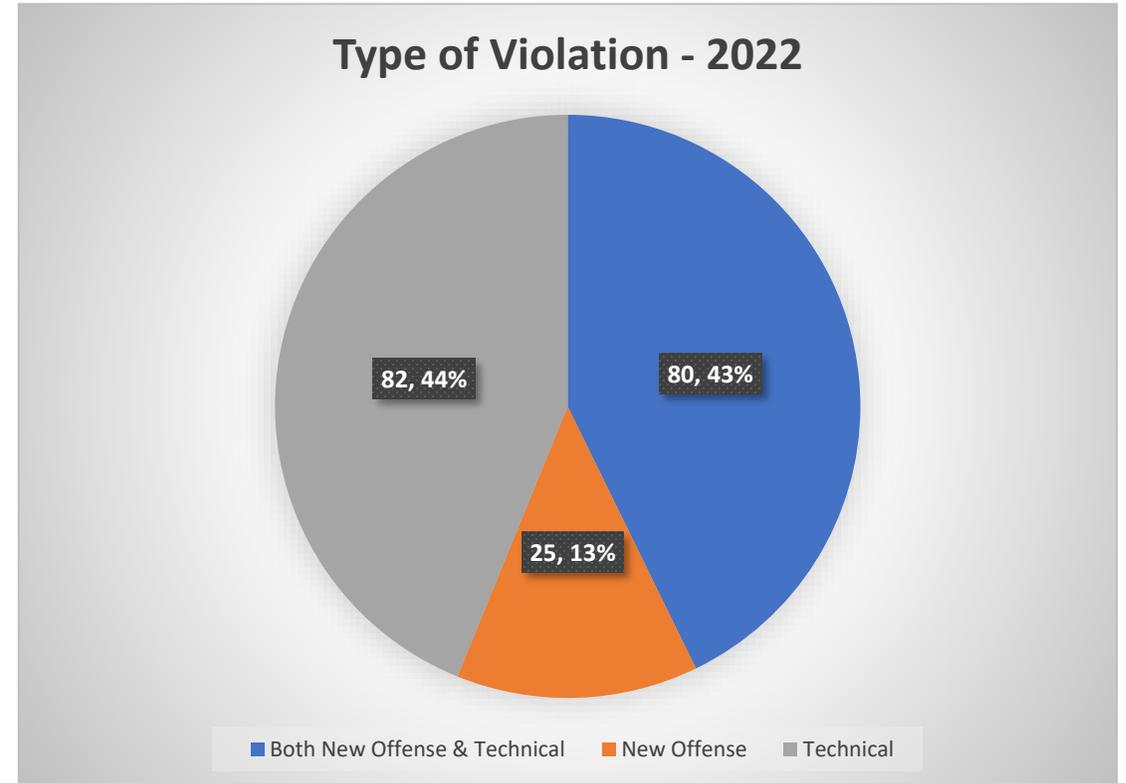
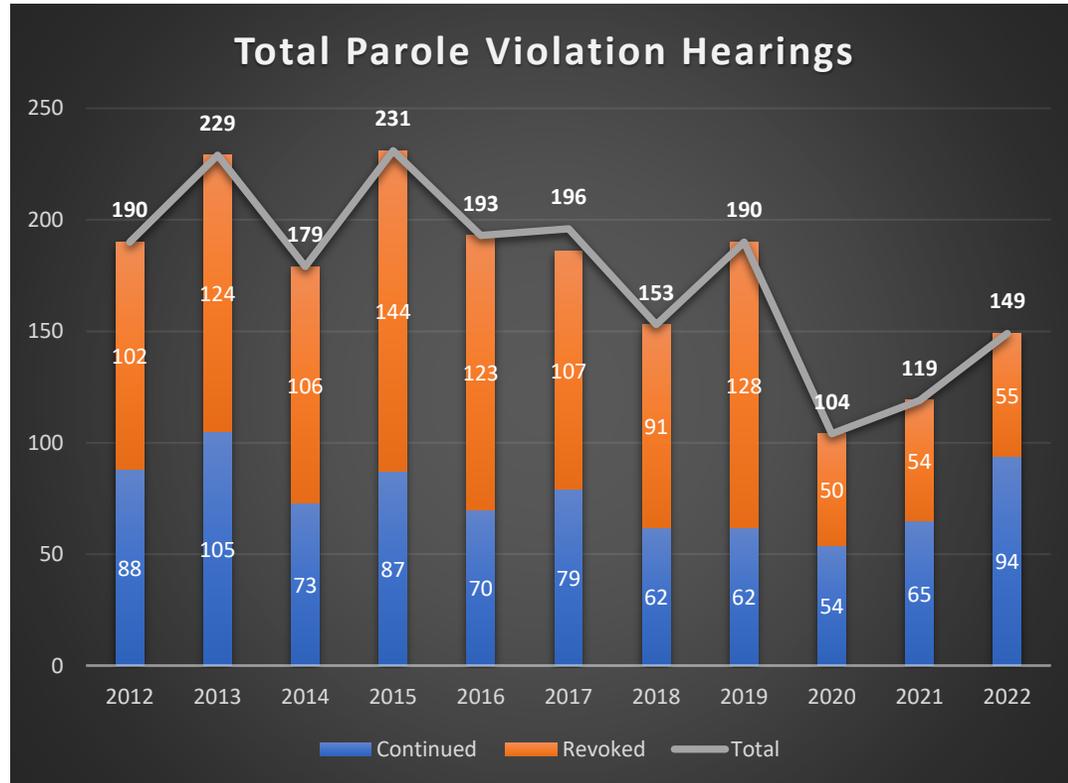
- The Parole Board holds reprimand and violation proceedings for offenders alleged to have violated the terms and conditions of their parole.
 - Reprimand Proceeding
 - In lieu of formal violation proceedings, a supervising parole officer may request that the Board deliver a verbal reprimand to a parolee who has exhibited conduct in violation of his or her parole conditions.
 - The Board determines if they will deliver a formal reprimand to the parolee, or the Board may request that the supervising parole officer initiate formal violation proceedings.
 - Parole Violation Proceeding
 - Offender has the right to be represented by counsel.
 - Proceeding is held in two parts:
 - Evidentiary – All evidence is presented, and each side may call witnesses to testify. The Board will determine if the parolee violated one or more conditions.
 - Disposition - If the Board determines the parolee did violate one or more conditions, the Board will seek recommendations from the supervising officer and the parolee for the outcome of the hearing. The Board will determine the outcome.
 - Hearing Outcomes
 - Reinstate the parolee on parole with a warning, a reprimand, a requirement for additional or modified parole conditions or any combination thereof.
 - Revoke parole. The individual will be reincarcerated if in the community pending the violation hearing.
 - An incarcerative disposition of no more than 30 days.

Reprimand Hearing Data

Reprimand Hearings		
2022 YTD	Technical	New Offense
Reprimanded	18	9
Move to PV	1	4
Total Cases	19	13



Violation Hearing Data



Note: Data is actual hearings conducted. Does not include those who waived their parole violation hearing or where the Board took no action on the violation. 32 individuals waived their parole violation hearing and were revoked as a result of the waiver. Of those 32 cases the violation types were: 19 Both New Offense & Technical, 4 New Offense, and 10 Technical. The Board took no action on 5 alleged parole violations. Of the 5 cases the violations types were: 2 New Offense and 3 Technical.

Probable Cause / Bail Hearings

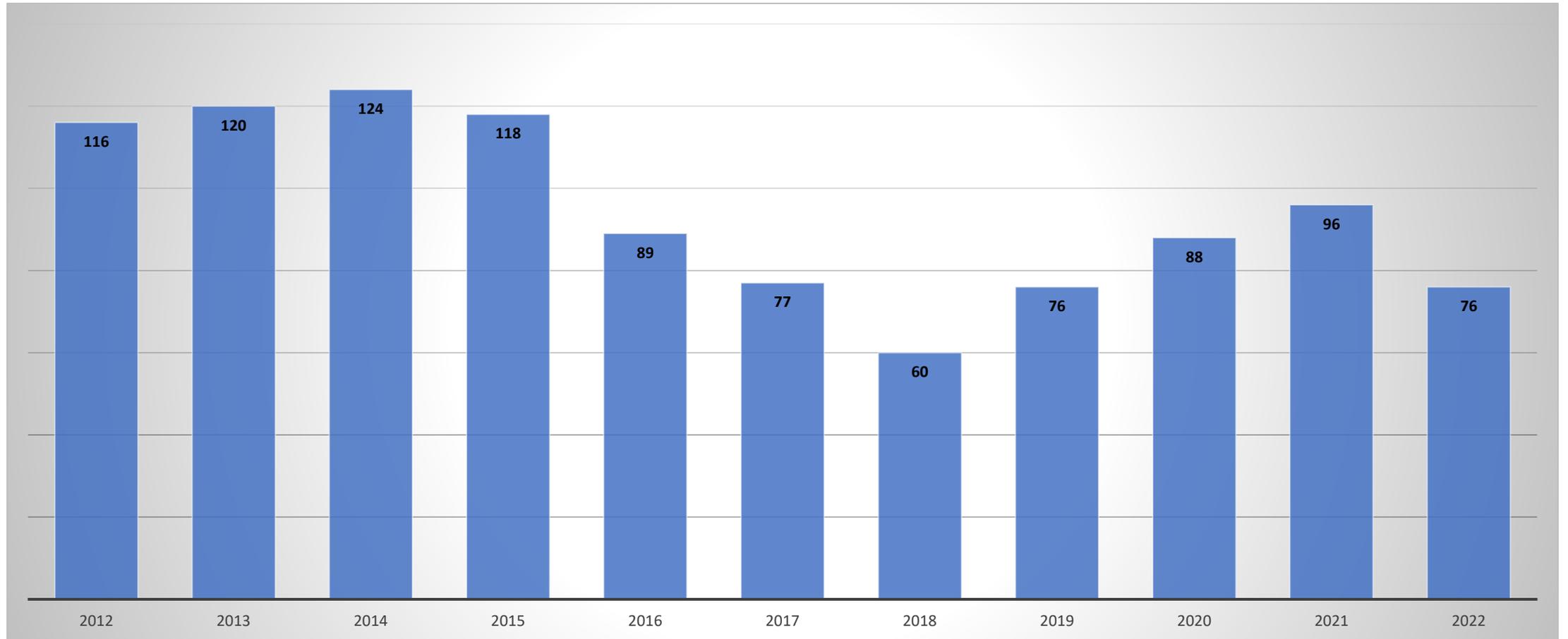
- Upon receiving notice from the Department of Corrections that a parolee was detained by the Department of Corrections subsequent to an arrest without a warrant, or an arrest based on a Parole Board warrant, the parolee's detention may be continued pending proceedings before the Board. Board staff shall schedule the proceedings as follows:
 - If a final violation hearing can be scheduled to convene within 20 days after the arrest and detention of the parolee, a final hearing only shall be scheduled.
 - If a final violation hearing cannot be scheduled within 20 days after the arrest and detention of the parolee, a Probable Cause hearing shall be scheduled within 20 days after the date of arrest of the parolee.
- A parolee may waive their right to have a probable cause hearing.
- Pending a hearing upon any charge of violation, the Parole Board Chair or designee may authorize the offender's release from detention, or authorize continued detention, subsequent to a Bail Hearing.
 - The hearing officer shall determine if the parolee is to be released pending formal violation proceedings or remain at the correctional facility and determine any temporary conditions to include electronic monitoring that may apply to the parolee's release.

Probable Cause Hearings		
2022 YTD	Contested	Not Contested
Released	6	22
Not Released	3	23
Total Cases	9	45

Termination and Early Discharge of Parole Supervision

- A parolee's term of parole supervision shall end when they have completed their predetermined maximum term of parole supervision, if they have not absconded during the term of their parole.
- The Board may terminate a parolee's period of parole supervision before their predetermined maximum term has expired pursuant to a hearing if the following requirements are met:
 1. The parolee is statutorily eligible (28 V.S.A § 506), and the early termination is recommended by the Department of Corrections.
 2. For Non-Listed Offenders – The offender has been on parole supervision without incident for more than (3) years or within (6) months of their parole expiration date.
 3. For Listed Offenders – The offender has been on parole supervision without incident for more than (8) years or within (6) months of their parole expiration date.
 4. Victim concerns have been addressed.

Early Discharge of Parole Supervision Data



Early Discharge of Parole Supervision Data

<u>Review of Early Discharge Requests</u>		
<u>22 YTD.</u>	<u>GRANTED</u>	<u>DENIED</u>
<u>Listed -</u>	1	0
<u>Non-Listed -</u>	6	0
<u>Total Cases -</u>	7	0

<u>Early Discharge Hearings</u>		
<u>22 YTD.</u>	<u>GRANTED</u>	<u>DENIED</u>
<u>Listed -</u>	1	0
<u>Non-Listed -</u>	6	0
<u>6 Months -</u>	69	1
<u>Total Cases -</u>	76	1

Supervised Community Sentence (SCS)

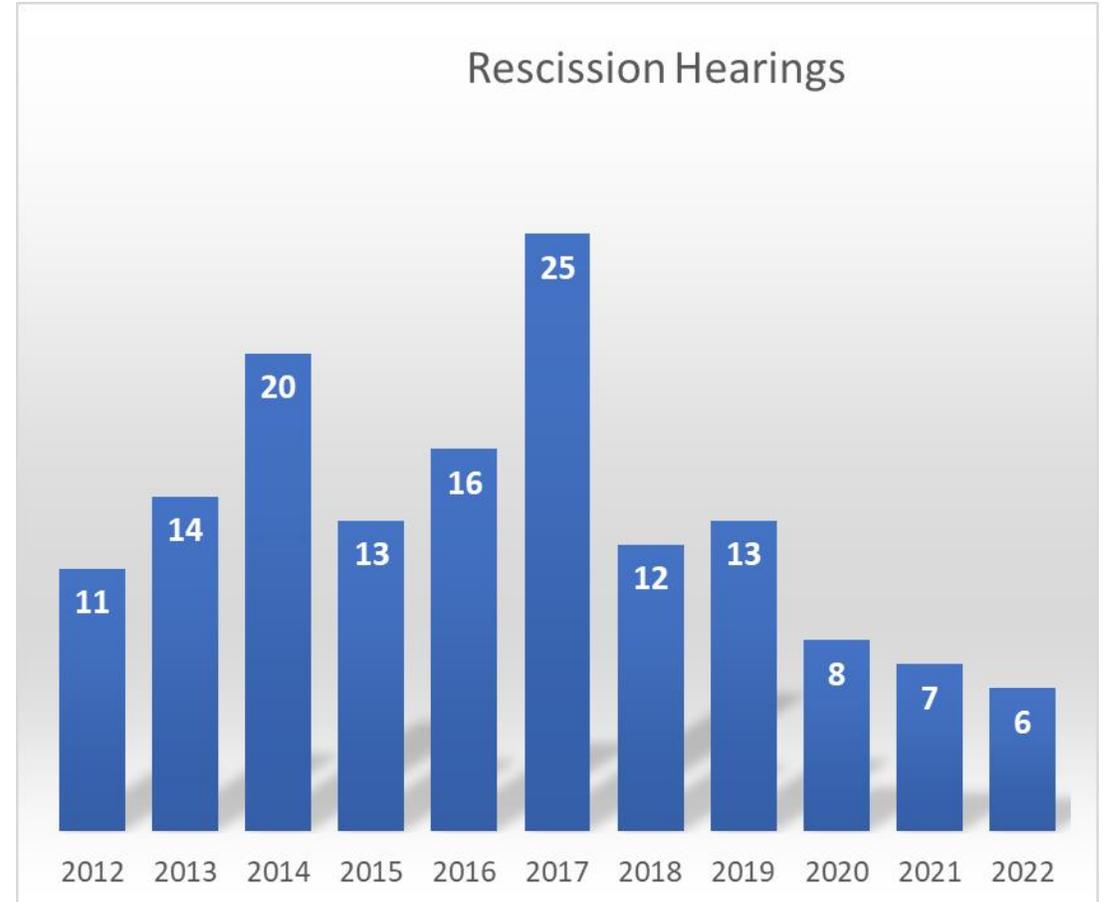
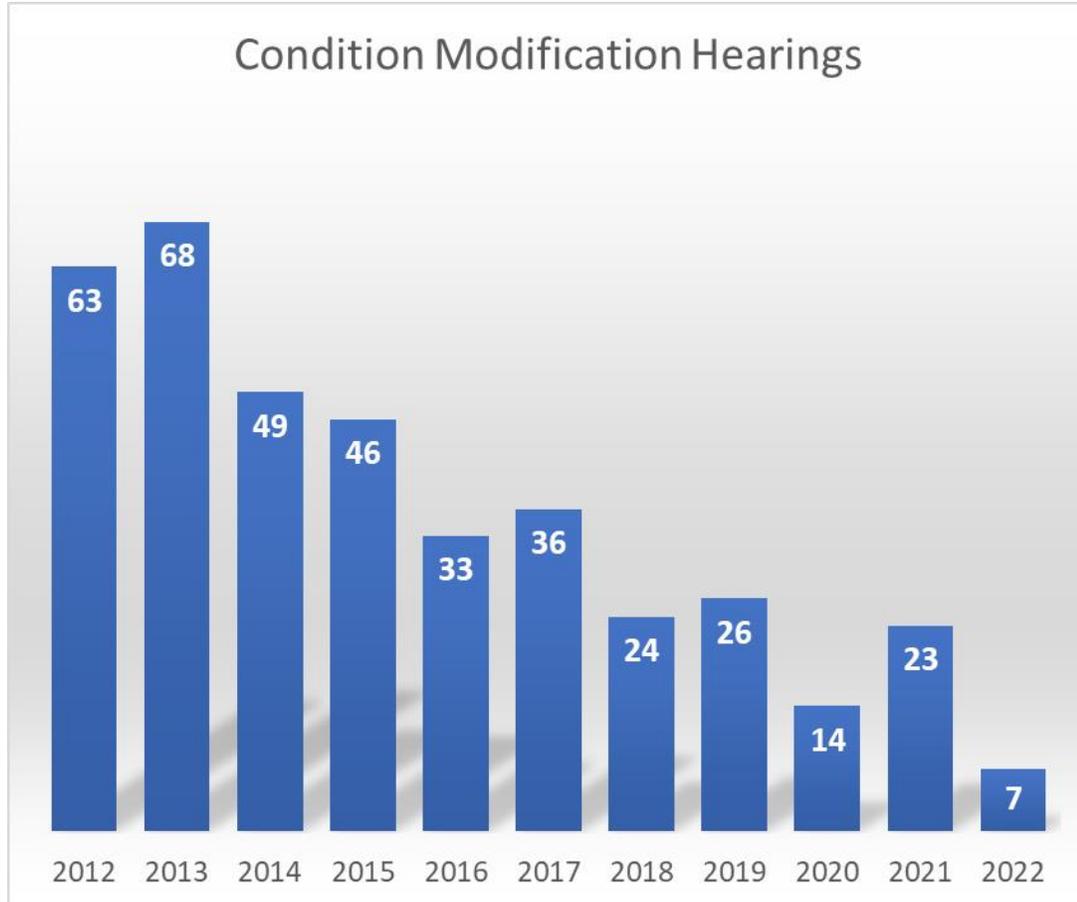
- It is the policy of the Vermont Parole Board to consider requests from persons under Supervised Community Sentence (SCS). Currently, the Board is aware of 6 offenders on this status. Consideration will include:
 - Review of any additions, deletions or modifications made by the Commissioner of the Department of Corrections to the conditions contained in his or her plan for SCS.
 - To review at expiration of the minimum sentence and render a decision. Decisional options of the Board are as follows:
 - Continue the offender under SCS supervision.
 - Terminate the offender from supervision completely.
 - Release the offender under parole supervision.
 - The Board also conducts SCS violation hearings in the event that an offender on SCS status has allegedly violated their conditions of SCS.

Supervised Community Sentence Data - 2022

<u>SCS Cases</u>	
	<u>22 YTD.</u>
<u>E. Release -</u>	0
<u>Continued -</u>	2
<u>Total Cases -</u>	2

<u>SCS Violations</u>			
<u>22 YTD.</u>	<u>Tech.</u>	<u>New Offense</u>	<u>Both</u>
<u>Continued -</u>	4	0	0
<u>Revoked -</u>	0	0	0
<u>Waived -</u>	0	0	0
<u>No Action -</u>	0	0	0
<u>Total Cases -</u>	4	0	0

Results of Other Hearings - 2022



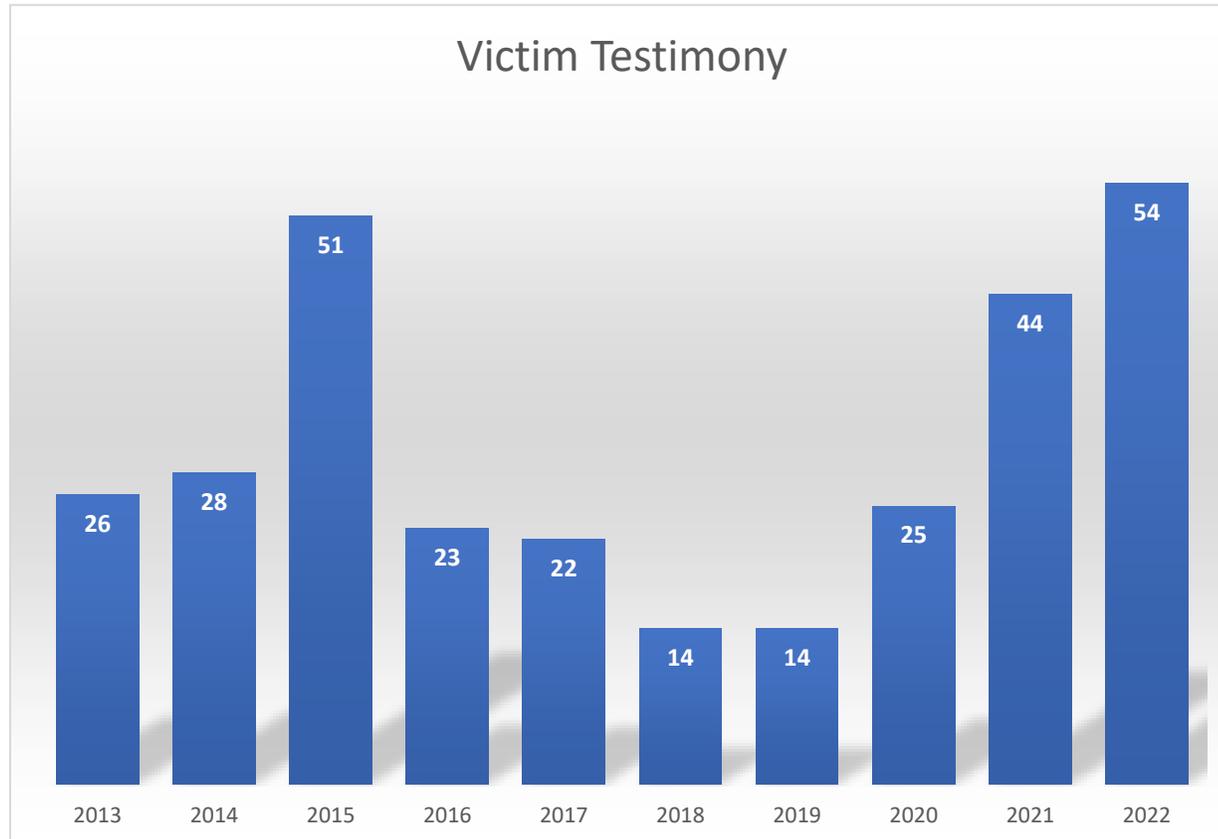
Victim Testimony

It is the policy of the Vermont Parole Board to treat victims and survivors with respect and sensitivity, and to ensure that those hurt by crime are informed about and involved in the Board's activities.

All information provided by the victim shall be made part of the Board's files and marked confidential. This information shall only be available to the offender in a redacted summary. If the victim does not wish the information to be confidential, they shall indicate "non-confidential" at the time the information is provided.

Victims shall be allowed to testify prior to the offender's scheduled appearance before the Board for interviews or reviews in executive session. When scheduling parole proceedings that include victims and offenders, staff shall make every effort to prevent either visual, auditory, or physical contact between victims and offenders and their families.

Victim Testimony Data



<u>Victim Testimony</u>	
	<u>22 YTD.</u>
<u>Letter -</u>	14
<u>In Person -</u>	20
<u>VSS Present -</u>	20
<u>Total -</u>	54

Note: Victim testimony is received either by letter, in person testimony by the victim or presented by a DOC Victim Services Specialist. The data in the chart above represents the method in which the testimony is received.